

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE: Ronald Elliot Gray and)	Chapter 13
Leslie Dalehite Gray,)	Case No. 06-80048
)	
Debtors)	
)	
Ronald Elliot Gray and)	Adversary Proceeding
Leslie Dalehite Gray,)	09-09041
)	
Plaintiffs)	
)	
vs.)	
)	
SunTrust Bank,)	
)	
Defendant.)	

**DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT
TO VALUE COLLATERAL**

Now comes Defendant SunTrust Bank by and through counsel, and hereby responds to the Complaint as follows:

FIRST DEFENSE AND MOTION TO DISMISS

The Complaint of Ronald Elliot Gray and Leslie Dalehite Gray against SunTrust Bank fails to state claims against SunTrust Bank upon which relief can be granted and so should be dismissed pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure as made applicable to the proceeding pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure.

SECOND DEFENSE

1. Paragraph 1 of the Complaint is admitted.
2. Paragraph 2 of the Complaint is admitted.

3. Upon review of the Court's docket, the allegations contained in Paragraph 3 of the Complaint are admitted.
4. The first sentence of Paragraph 4 of the Complaint is admitted. The second sentence of Paragraph 4 calls for a legal conclusion and, as such, no response is required. To the extent there are any factual allegations contained in the second sentence of Paragraph 4, said allegations are denied.
5. Upon information and belief, Paragraph 5 of the Complaint is admitted.
6. The Defendant has insufficient information upon which to form a belief as to the truthfulness of the allegations contained in paragraph 6 of the Complaint, therefore they are denied.
7. Paragraph 7 of the Complaint is admitted.
8. Paragraph 8 of the Complaint is denied.
9. Paragraph 9 calls for a legal conclusion and, as such, no response is required. To the extent there are any factual allegations contained in the Paragraph 9, said allegations are denied.
10. Paragraph 10 calls for a legal conclusion and, as such, no response is required. To the extent there are any factual allegations contained in the Paragraph 10, said allegations are denied.

THIRD DEFENSE

By way of further Answer, the defendant, SunTrust Bank would show that the real property described in the Plaintiff's Complaint, commonly known as 1507 US 70 A East, Hillsborough, NC (the "Property") has a current appraised tax value of \$132,701.00. Upon information and belief, the Property has a true current market value in excess of the amount of the aggregate of the first and second liens on the Property. As such, SunTrust Bank would show

that it is a fully secured creditor in accordance with 11 U.S. C. § 506 and under any other applicable law.

FOURTH DEFENSE
(Reserve Right to Assert Additional Defenses)

Defendant reserves the right to amend its Answer and to assert additional affirmative defenses as the claims of Plaintiff are more fully disclosed during the course of litigation.

WHEREFORE, SunTrust Bank prays to the Court as follows:

1. That Plaintiff's Complaint against SunTrust Bank be dismissed with prejudice;
2. That Plaintiff have and recover nothing of SunTrust Bank;
3. That the Court make a determination that the second deed of trust held by SunTrust Bank is a fully secured claim against the estate;
4. That the Deed of Trust held by SunTrust Bank is fully valid and enforceable;
5. That the costs of this action be taxed against the Plaintiff; and
4. For such other and further relief as the Court deems just and proper.

This the 22nd day of September 2009.

Respectfully submitted,

/s/ Rebecca A. Leigh
Rebecca A. Leigh
State Bar No. 24820
Attorney for SunTrust Bank Commercial
Corporation

OF COUNSEL:

LAW OFFICES OF REBECCA A. LEIGH, P.A.
301 South Greene Street, Suite 201
Greensboro, North Carolina 27401
Telephone: (336) 389-1800
Facsimile: (336) 389-0060

PARTIES TO BE SERVED
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Adversary Proceeding Case No. 09-09041

I hereby certify that the foregoing **Answer** has been served upon the parties to this action by forwarding a copy thereof by first-class U.S. mail, postage prepaid, or by electronic filing, addressed to the following:

Reid Wilcox
United States Bankruptcy Clerk
101 South Edgeworth Street
Greensboro, North Carolina 27401

Michael D. West, Esquire
U.S. Bankruptcy Administrator
Post Office Box 1828
Greensboro, North Carolina 27402

Edward Boltz
Attorney for Plaintiffs
6616-203 Six forks Road
Raleigh, NC 27615

Ronald Elliot Gray
Leslie Dalehite Gray
Post Office Box 63
Hillsborough, NC 27278

This the 22nd day September, 2009.

/s/ Rebecca A. Leigh
Rebecca A. Leigh; NC Bar No. 24820
Attorney for Defendant
Law Offices of Rebecca A. Leigh
301 S. Greene Street, Suite 201
Greensboro, North Carolina 27401
(336) 389-1800
(336) 389-0060, Fax